

201311487  
Pedro Teco

Officer Teco was in Staten Island University Hospital with a person who had been arrested for DWI. He demanded that a nurse draw blood from the patient to check the patient's blood-alcohol level. The nurse told an administrator, who explained that hospital policy required written consent for a blood draw. Officer Teco followed the administrator into her office while she called the legal department and threatened to arrest her if she would not draw the patient's blood. The administrator provided the written policy to Officer Teco, who left only after being confronted by hospital security. The incident was described similarly in interviews by multiple civilian witnesses.

In his CCRB interview, Officer Teco stated that after entering the administrator's office, he had called another officer to get their opinion on the situation and that after the administrator left the office, she confirmed that the policy is to draw blood if an officer requests it and that the nurse had been wrong. No other witness, including two police officers, described him calling another officer. The administrator confirmed that the hospital's policy is to only draw blood with a patient's written consent, and provided the policy, which only allows for blood to be drawn from a patient with the patient's written consent.

The CCRB found that Officer Teco had improperly threatened to arrest the administrator for following the law and that he had made a false statement in his CCRB testimony regarding his interaction and the hospital policy.

The NYPD punished Officer Teco by forcing him to forfeit four vacation days.

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## Interview Details

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██████████ was interviewed at the CCRB on January 2, 2014. ██████████ was ████████ years old at the time of the incident. She is a white female, who is 5'7" tall, 175 pounds, and has brown hair and hazel eyes. The interview began at 12:54 p.m.

On December 6, 2013, at approximately 12:30 p.m., ██████████ was working as ██████████. A nurse ██████████ approached ██████████ and asked her to come speak to PO Teco who was directing her to draw blood on a patient. ██████████ later learned that the patient was suspected of drunk driving, but she was not sure if the patient was under arrest. ██████████ went to the private room where PO Teco, PO1, and PO2 were located with the patient, and she asked to speak to PO Teco in the hallway.

In the hallway, ██████████ explained her understanding of the hospital's policy to require consent when drawing blood and said she would call the Legal Department to confirm. PO Teco told ██████████ that they did not need consent to draw blood. ██████████ explained that she would call the Legal Department, and PO Teco stepped towards her so that he was between six inches and one foot away, and said, "You get them down here right now," as he pointed to the ground. His demeanor was agitated and demanding, whereas ██████████ demeanor was respectful. When ██████████ explained that the Legal Department was located in another building, PO Teco stepped closer to her again. Ms. Gucciardi then said, "I can't talk to you anymore. Your behavior is inappropriate. I'm going to call Legal and your sergeant." ██████████ turned and began to walk away. PO Teco followed her, walking quickly, and responded, "You're not going to call anyone because I'm going to arrest you for obstruction." He may have threatened to arrest her one more time in the hallway. ██████████ and PO Teco passed the nurses' station, and there were many witnesses.

When ██████████ reached her office, she instructed PO Teco to wait outside. He said, "I don't have to because I'm going to arrest you," and followed her into her office. PO Teco stood in front of ██████████ door, while she tried to call the Legal Department. ██████████ instructed him to leave her office three times. PO Teco did not respond to these statements. By the third time she told PO Teco to leave her office, ██████████ had raised her voice. She and PO Teco were speaking in a similar loud volume, but they were not yelling at one another. PO Teco's hands were shaking. When PO Teco threatened to arrest ██████████ again, she said, "Go ahead." At this point, the hospital's security officer, ██████████, entered ██████████ office and suggested that PO Teco leave. PO Teco complied. Staff from the hospital could hear the conversation from outside of the office including, ██████████, ██████████, and ██████████.

Once PO Teco left her office, ██████████ confirmed with the Legal Department, that hospital staff could not draw blood without the patient's consent. She printed the policy and gave it to ██████████, the doctor director at the hospital. He met with PO Teco alone in ██████████ office and explained the policy to him. PO Teco left ██████████ hospital, said that it was ██████████ fault that they could not get a blood sample, and then left the hospital through the ambulance entrance. ██████████ called PO Teco's command and made a complaint with his sergeant. Sgt. Drone came to visit her a couple days later at work to apologize. She informed him that she had filed a complaint with the CCRB.

At the time of the interview, ██████████ provided statements written by ██████████ ██████████, and herself for the hospital's investigation of the incident. She provided the following phone numbers to reach the staff for witness statements: ██████████ and ██████████.

██████████ provided the following officer descriptions:

PO Teco – White male, olive-complexion, 40s, 5'10", average build, brown hair, in uniform with stripe down leg, from Highway Patrol 5. Learned his name from ██████████ who observed it on his nameplate.

PO1- female, in uniform, from 123<sup>rd</sup> Precinct

PO2 – male, in uniform, from 123<sup>rd</sup> Precinct

The interview concluded at 1:18 p.m.



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## Interview Details

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The interview began at 2:18 p.m.

On December 6, 2013, at approximately, [REDACTED] was in the Emergency Department of Staten Island University Hospital's South Campus, about to go to lunch with [REDACTED]. As [REDACTED] and [REDACTED] passed an observation room, [REDACTED] noted that she needed to speak to an officer there. [REDACTED] asked PO Teco to step out of the patient's room into the hallway so that they could speak. Two officers, PO1 and PO2, remained in the room with the patient. [REDACTED] did not have interaction with the patient or those officers, but believes the patient was there on suspicion of DWI. [REDACTED] did not know if the patient was under arrest.

In the hallway, [REDACTED] calmly explained to PO Teco that they needed formal consent to draw the patient's blood to test for blood alcohol content. PO Teco responded that they had obtained verbal consent from the patient. [REDACTED] explained that the hospital's policy was to require formal, written consent from the patient in order to draw blood, but that she would check with the legal department to confirm the policy. PO Teco, who had initially been polite, became agitated by raising his voice and pointing his finger at [REDACTED]. PO Teco told [REDACTED] to get the legal department to the location right away. [REDACTED] explained that the legal department was located in a different building on the campus, but that she would call them. She also explained that if they took the patient's blood in violation of the protocol, it would be thrown out in court. PO Teco continued to be agitated and said, "I'm going to arrest you for obstruction of justice," because we will be past the time period by which we need to take the patient's blood. [REDACTED] took two steps back and told PO Teco that he was being inappropriate. As she turned away, she told PO Teco she would call the legal department and his sergeant. PO Teco replied, "You can call whoever you want, because you're still going to jail."

PO Teco followed [REDACTED] to the opposite end of the emergency department, where her office was located, even though [REDACTED] had told him to wait by the patient's room. PO Teco was speaking to [REDACTED] as he followed her down the hallway, but [REDACTED] could not hear exactly what he was saying. [REDACTED] was following behind by about 20 feet. When [REDACTED] reached her office, she told PO Teco not to come into her office. He entered her office anyway.

[REDACTED] went to the nurses' station around the corner to wait. A nurse came over to [REDACTED] to tell her that [REDACTED] could not get PO Teco out of her office. [REDACTED] walked to [REDACTED] officer where she found the security officer, Jack Wagner, standing in between PO Teco and [REDACTED]. [REDACTED] heard [REDACTED] tell PO Teco to get out of her office at least three times. PO Teco said, "You're going to jail." [REDACTED] said, "Go ahead." Mr. Wagner reasoned with PO Teco to leave the office, but it took several minutes. [REDACTED] was agitated and nervous in her office. She was speaking in a raised voice and her hands were shaking. PO Teco continued to be agitated in the same way he had been throughout the incident.

[REDACTED] pulled up the policy regarding consent and asked [REDACTED] to leave her office. [REDACTED] gave the policy to [REDACTED]. [REDACTED] explained the policy to PO Teco in [REDACTED] office. When PO Teco walked out, [REDACTED] asked him if he had everything he needed. PO Teco then said it was [REDACTED] fault that the patient was not going to jail and left the hospital.

The entire interaction lasted between 10 and 15 minutes. [REDACTED] said the entire nursing staff witnessed part or all of the incident. She named [REDACTED], [REDACTED], and [REDACTED] as possible witnesses.

PO Teco - Hispanic (olive skin tone) male, 30s, 5'10" tall, muscular build, short black hair, big boots, uniformed. Identified by [REDACTED] by reading it off of his shield during the incident.

PO1 - White male

PO2 - female

The interview concluded at 2:35 p.m.



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## Interview Details

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### Subject Officer: PO Pedro Teco

- PO Pedro Teco is a white man who was 39 years old at the time of the incident. He is 5'9" tall, weighs 180 pounds, and has black hair and brown eyes.
- On December 6, 2013, PO Teco was assigned to patrol alone as part of the Highway 5 command from 6:00 a.m. to 2:35 p.m. He was dressed in uniform and driving marked RMP, no. [REDACTED]

### Memo Book

On the date of the incident, PO Teco's memo book notes verbatim, "1100 IDTU 123/Staten Island University Hospital South. 12:40- refused. [REDACTED] refused to take blood, wanted a warrant."

### CCRB Testimony

PO Teco was interviewed at the CCRB on April 2, 2014. The interview began at 9:33 a.m. and ended at 9:54 a.m. His testimony is summarized below.

On December 6, 2013, PO Teco went to Staten Island University Hospital for a "blood job" for a civilian, CIV1, arrested for driving under the influence. The NYPD conducts blood jobs when an arrestee cannot go to where the breathalyzer is located because they need medical treatment. When PO Teco arrived at the hospital, the arresting officer, whose identity PO Teco could not remember, explained the situation to PO Teco. PO Teco did not observe any injuries to the CIV1's person and did not know the specific reason he was at the hospital. CIV1 seemed high, not intoxicated. When PO Teco first arrived at the hospital, a sergeant, her operator, the arresting officer, and the arresting officer's partner were present. All of these officers were from the 123<sup>rd</sup> Precinct.

PO Teco explained to CIV1 who he was and why he was there. PO Teco asked CIV1 if he consented to a blood test and CIV1 provided affirmative consent. No medical personnel were present at that time. PO Teco then told the arresting officer he would go find a nurse to draw CIV1's blood. PO Teco explained that they had an arrestee who had consented to a blood test and requested assistance. The nurse said, "Okay, give us a couple minutes." After waiting ten to fifteen minutes, PO Teco told another nurse that CIV1 had consented to a blood test and requested assistance. That nurse told PO Teco she would find someone to do the test right away.

[REDACTED] came to the room where PO Teco was with the patient and asked him to step out of the room. [REDACTED] asked PO Teco, "Do you want to take blood from this prisoner?" [REDACTED] demeanor was firm and "to the point." PO Teco's demeanor was similar, calm and collected. PO Teco only raised his voice slightly once. PO Teco said both that [REDACTED] demeanor remained the same throughout the incident, and also that she began yelling later. PO Teco affirmed that he did. [REDACTED] said, "Officer, you need a warrant for that." PO Teco said he did not need a warrant, and [REDACTED] repeated that he did need one. [REDACTED] never mentioned requiring written consent at any point, and CIV1 had not provided written consent because it had not gotten to that point yet. [REDACTED] then said she was going to call an administrator to find the paperwork that explained PO Teco needed a warrant. As [REDACTED] turned to walk away, PO Teco said, "I just want you to know, if you don't take blood, I can actually arrest you." [REDACTED] said, "Are you threatening me?" PO Teco said, "I'm not threatening you. I'm just telling you what could be done." PO Teco had no intention of arresting [REDACTED] PO Teco never told [REDACTED] that he was going to arrest her. PO Teco told [REDACTED] he could arrest her once. PO Teco never specified to [REDACTED] what she could be arrested for, but he could have arrested her for obstruction of governmental administration. [REDACTED] could be arrested for OGA because she was preventing officers from finding out if CIV1 was under the influence and what he was under the influence of.

[REDACTED] said, "You're threatening me," and walked away. PO Teco followed her down the hallway. Instead of calling an administrator to move the process along, [REDACTED] stopped at the nurses' station to tell other staff, "He threatened to arrest me." PO Teco slightly raised the volume of his voice and said, "What are you doing? Aren't you going to call an administrator?"

PO Teco followed [REDACTED] into her office so he could hear what the administrator said. She told him to leave three times. PO Teco does not think he told [REDACTED] she could be arrested while in her office. Then a security officer came and told him to leave. At that point, PO Teco realized that he had "gone overboard." PO Teco called his command and spoke to PO Moane. He told PO Moane, "The nurse won't draw blood. What should I do?" PO Moane replied, "Didn't you get the memo?" PO Teco asked which memo, because he had just returned to work two days prior after his wife had a baby. PO Moane replied, "Whatever you do, don't threaten anybody with arrest." PO Teco replied, "I didn't know. I just did that ten minutes ago."

PO Teco then spoke with the administrator who read the hospital policy to him. The administrator told PO Teco that the policy stated that if NYPD personnel request blood be drawn, medical personnel is supposed to draw blood. The administrator

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## Interview Details

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looked surprised and then read from another page that said the same thing. The administrator then told PO Teco, “If you want her to take blood, she’ll take the blood.” At that point, however, it did not make a difference because the arresting officer told PO Teco that CIV1 had rescinded his consent. PO Teco walked out, and as he was leaving [REDACTED] was yelling, “I was right! I was right!”

PO Teco did not have a specific recollection of requesting blood be drawn from an arrestee at Staten Island University Hospital in the past. In general terms, the protocol is for an officer to tell the arrestee why they are there and then ask the arrestee if they will consent to having their blood drawn. If the patient provides consent, officers find a medical professional who will confirm consent with the patient. If the patient confirms consent, the medical personnel draws the blood and fills out the paperwork. If an arrestee provides consent, the police do not need a warrant to obtain a blood sample from him or her.

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## Interview Details

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### **Witness Officer: PO Samantha Surat**

- *PO Samantha Surat is a white woman who was 29 years old at the time of the incident. She is 5'7" tall, weighs 190 pounds, and has brown hair and eyes.*
- *On December 6, 2013, PO Surat was assigned to Sector Patrol and RMP no. [REDACTED] from 7:05 a.m. to 3:40 p.m. with PO Nevarez. She was dressed in uniform*

### **Memo Book**

On the date of the incident, PO Surat's memo book states verbatim, "11:20 - 84 SIUHS. 12:00 -Sgt. Cornejo visited. 14:10 - Sector A pick up at SIUHS to 120 pct."

### **CCRB Testimony**

PO Samantha Surat was interviewed at the CCRB on April 7, 2014. The interview began at 10:06 a.m. and concluded at 10:13 a.m.

At 11:20 a.m. on December 6, 2013, PO Surat was at Staten Island University Hospital watching an arrestee who had been transported to the hospital following his arrest for driving while intoxicated. PO Surat was focused on the arrestee as he was very intoxicated. PO Surat did not know the reason the arrestee was taken to the hospital rather than the precinct stationhouse. A member of the hospital's personnel came into the room to take the arrestee's vitals, but PO Surat did not interact with any hospital staff. PO Surat did not leave the room where the arrestee was located for the entire time she was at the hospital.

A highway patrol officer came with a blood kit that he was preparing. PO Surat did not recall if anyone asked the arrestee whether or not he provided consent for his blood to be drawn. PO Surat did not recall if the arrestee provided consent for his blood to be drawn, but blood was not drawn from the arrestee while PO Surat was in the room. PO Surat did not recall if the arrestee ever withdrew consent for his blood to be drawn.

The highway patrol officer interacted with a member of hospital personnel outside the door. The door was closed, and PO Surat could not hear any of the statements that were made. PO Surat never heard the highway patrol officer tell any hospital staff that he would not arrest them. The highway patrol officer came back later and said, "We're not doing blood. Refused." PO Surat could not remember how the incident ended or whether or not there was discussion of a warrant being needed to draw the arrestee's blood.

PO Nevarez was in the room with PO Surat for about ten minutes, processing arrest paperwork. Sgt. Cornejo came to check on PO Surat.



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## Interview Details

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### Witness Officer: PO Gendyliss Nevarez

- PO Nevarez is a Hispanic female who was 35 years old at the time of the incident. She is 5' tall, weighs 117 pounds, and has black hair and brown eyes.
- On December 6, 2013, PO Nevarez was assigned to patrol in the 123<sup>rd</sup> Precinct, from 7:05 a.m. to 3:35 a.m. She was partnered with PO Surat, dressed in uniform, and assigned to RMP no. [REDACTED]

### Memo Book

On the date and time of occurrence, PO Nevarez's memo book states verbatim, "10:30 - 54 at [REDACTED] 10:40 a.m.- 84. 10:55 a.m. - 1 under. [REDACTED]"

[REDACTED] At the time and place of occurrence, EMS personnel [REDACTED] did observe the defendant behind the wheel of a blue 2007 Dodge Durango at [REDACTED]. While speaking with the defendant, the arresting officer could smell the odor of alcohol on his breath and speech was slurred, eyes blood shot. IDTU officer attempted to conduct test. [REDACTED] refused. No blood test taken on arrival to hospital. 4:26 p.m. - 61 to 130 Stuyvesant Avenue to draw up case."

### CCRB Testimony

PO Nevarez was interviewed at the CCRB on April 23, 2014. The interview began at 8:44 a.m. and concluded at 8:53 a.m. Her testimony is summarized below.

After being placed under arrest, [REDACTED] was transported to the hospital because EMS was on the scene, they were concerned that [REDACTED] was suffering from alcohol poisoning. [REDACTED] was incapable of walking. PO Nevarez recognized [REDACTED] from the hospital. PO Nevarez observed [REDACTED] in an office. She did not interact with her and did not observe the highway patrol officer interact with her.

At Staten Island University Hospital, PO Nevarez could not leave the room where [REDACTED] was situated. PO Surat was also in the room with her for some time, but also went back to the stationhouse to prepare arrest paperwork. An unidentified officer from Highway Patrol arrived in order to have [REDACTED] blood drawn and processed. The highway patrol officer asked [REDACTED] if he was willing to provide a blood sample. [REDACTED] verbally stated his consent. PO Nevarez was present at this time, but did not remember who else was present.

PO Nevarez did not interact with any hospital personnel, and she did not observe the highway patrol officer interact with any hospital personnel. The highway patrol officer was periodically in and out of [REDACTED] room. PO Nevarez did not observe any hospital personnel ask to speak to the highway patrol officer in the hallway. PO Nevarez never heard any hospital personnel refuse to draw [REDACTED] blood. PO Nevarez did not remember hearing [REDACTED] withdraw his consent to have his blood drawn. PO Nevarez never heard the highway patrol officer threaten to arrest any hospital personnel. In her observation of the highway patrol officer, his demeanor was professional.

The highway patrol officer was out of [REDACTED] room for about forty-five minutes. When he came back, he told PO Nevarez they would not be drawing [REDACTED] blood because the nurse had refused. He did not elaborate on the reasoning and then left the hospital. No officer informed PO Nevarez of a dispute regarding drawing [REDACTED] blood.

PO Nevarez has never gone to Staten Island University Hospital with a civilian arrested for DUI before. To her knowledge, written consent is not required as part of police department protocol for having an arrestee's blood drawn. The protocol for a DUI arrest when the arrestee needs medical attention is for the civilian to be brought to the hospital, where a highway patrol officer will come and order a blood sample.

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Arthur Albano	Team: Team # 3	CCRB Case #: 201311487	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 12/06/2013 12:30 PM	Location of Incident: Staten Island University Hospital - South Campus	Precinct: 123	18 Mo. SOL 6/6/2015	EO SOL 6/6/2015	
Date/Time CV Reported Mon, 12/09/2013 9:56 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/09/2013 9:56 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Pedro Teco	06038	937614	HWY 05

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Gendyliss Nevarez	10207	952050	123 PCT
2. POF Samantha Surat	28654	953457	123 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Pedro Teco	Abuse of Authority: PO Pedro Teco threatened to arrest § 87(2)(b) [REDACTED].	A . § 87(2)(g) [REDACTED]
B . POM Pedro Teco	Other: PO Pedro Teco intentionally provided a false official statement to the CCRB.	B . § 87(2)(g) [REDACTED]



## Case Summary

§ 87(2)(b) filed this complaint via telephone with the CCRB on December 9, 2013. On December 6, 2013, at approximately 12:30 p.m., § 87(2)(b) was working § 87(2)(b), where PO Pedro Teco of Highway District 5 had responded in regards to a civilian under arrest for driving while intoxicated. The following allegation resulted from PO Teco's actions.

### **Allegation A – Abuse of Authority: PO Pedro Teco threatened to arrest** § 87(2)(b)

§ 87(2)(g)

The investigator offered mediation to § 87(2)(b) on December 18, 2013. § 87(2)(b) rejected mediation at that time because she did not want to see PO Teco again.

## Results of Investigation

### Civilian Statements

#### Complainant/Victim: § 87(2)(b)

- § 87(2)(b)

### Statement for Staten Island University Hospital Investigation

On December 9, 2013, § 87(2)(b) submitted a statement via e-mail to § 87(2)(b). § 87(2)(b) provided a copy to the investigator (encl. B-11), and § 87(2)(b) provided one as well (encl. C-8), after being subpoenaed. § 87(2)(b)'s e-mail states that when she explained the hospital's policy that required patient consent to draw the arrestee's blood PO Teco became very upset. When she told him that she was going to call the legal department and his sergeant, he said, "You're not going to call anyone because I am going to arrest you." He then followed her into her office and would not leave.

### CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on January 2, 2014 (encl. B-5-B-12). § 87(2)(g). Her testimony is summarized below.

On December 6, 2013, at approximately 12:30 p.m., § 87(2)(b) was working as § 87(2)(b). A nurse, § 87(2)(b) approached § 87(2)(b) and asked her to come speak to PO Pedro Teco, of Highway District 5, who was directing her to draw blood from a patient. § 87(2)(b) later learned that the patient, identified by the investigation as § 87(2)(b), was suspected of drunk driving, but she was not sure if § 87(2)(b) was under arrest. § 87(2)(b) went to the private room where PO Teco, as well as two officers, identified by the investigation as PO Gendyliss Nevarez and PO Samantha Surat of the 123<sup>rd</sup> Precinct, were located with the patient, and she asked to speak to PO Teco in the hallway.

In the hallway, § 87(2)(b) explained her understanding of the hospital's policy to require consent when drawing blood and said she would call the Legal Department to confirm. PO Teco told § 87(2)(b) that they did not need consent to draw blood. § 87(2)(b) explained that she would call the Legal Department, and PO Teco stepped towards her so that he was between six inches and one foot away, and said, "You get them down here right now," as he pointed to the ground. His demeanor was agitated and demanding, whereas § 87(2)(b)'s demeanor was respectful. When § 87(2)(b) explained that the Legal Department was located in another building, PO Teco stepped closer to her again. § 87(2)(b) then said, "I can't talk to you anymore. Your behavior is inappropriate. I'm going to call Legal and your sergeant." § 87(2)(b) turned and began to walk away. PO Teco followed her, walking quickly, and responded, "You're not going to call anyone because I'm going to arrest you for obstruction." He may have threatened to arrest her one more time in the hallway. § 87(2)(b) and PO Teco passed the nurses' station, and there were many witnesses.

When § 87(2)(b) reached her office, she instructed PO Teco to wait outside. He said, "I don't have to because I'm going to arrest you," and followed her into her office. PO Teco stood in front of § 87(2)(b)'s door, while she tried to call the Legal Department. § 87(2)(b) instructed him to leave her office three times. PO Teco did not respond to these statements. By the third time she told PO Teco to leave her office, § 87(2)(b) had raised her voice. She and PO Teco were speaking in a similar loud volume, but they were not yelling at one another. PO Teco's hands were shaking. When PO Teco threatened to arrest § 87(2)(b) again, she said, "Go ahead." At this point, the hospital's security officer, § 87(2)(b) entered § 87(2)(b)'s office and suggested that PO Teco leave. PO Teco complied. Staff from the hospital could hear the conversation from outside of the office including, § 87(2)(b) and § 87(2)(b).

Once PO Teco left her office, § 87(2)(b) confirmed with the Legal Department, that hospital staff could not draw blood without the patient's consent. She printed the policy and gave it to § 87(2)(b). He met with PO Teco alone in § 87(2)(b)'s office and explained the policy to him. PO Teco left § 87(2)(b)'s office, said that it was § 87(2)(b)'s fault that they could not get a blood sample, and then left the hospital through the ambulance entrance.

§ 87(2)(b) called PO Teco's command and made a complaint with his sergeant. Sgt. Drone came to visit her a couple days later at work to apologize. She informed him that she had filed a complaint with the CCRB. At the time of the interview, § 87(2)(b) provided statements written by § 87(2)(b) and herself for the hospital's investigation of the incident.

**Witness:** § 87(2)(b)

- § 87(2)(b)
- § 87(2)(b)

**CCRB Testimony**

On January 28, 2014, § 87(2)(b) provided an initial telephone statement (encl. C-3) to the undersigned investigator. On January 29, 2014, the investigator conducted an interview over the telephone with § 87(2)(b) (encl. C-4-C-6) and mailed her a verification form and confidential witness information sheet. § 87(2)(b) had her verification form notarized on June 19, 2014, and it was received at the CCRB on June 26, 2014. § 87(2)(g)

§ 87(2)(b) Her testimony is summarized as follows.

On December 6, 2013, at approximately, § 87(2)(b) was § 87(2)(b) about to go to lunch with § 87(2)(b)

§ 87(2)(b) As § 87(2)(b) and § 87(2)(b) passed an observation room, § 87(2)(b) noted that she needed to speak to an officer there. § 87(2)(b) asked PO Teco to step out of the patient's room into the hallway so that they could speak.

In the hallway, § 87(2)(b) calmly explained to PO Teco that they needed formal consent to draw the patient's blood to test for blood alcohol content. PO Teco responded that they had obtained verbal consent from the patient. § 87(2)(b) explained that the hospital's policy was to require formal, written consent from the patient in order to draw blood, but that she would check with the legal department to confirm the policy. PO Teco, who had initially been polite, became agitated by raising his voice and pointing his finger at § 87(2)(b). She also explained that if they took the patient's blood in violation of the protocol, it would be thrown out in court. PO Teco continued to be agitated and said, "I'm going to arrest you for obstruction of justice," because we will be past the time period by which we need to take the patient's blood. § 87(2)(b) took two steps back and told PO Teco that he was being inappropriate. As she turned away, she told PO Teco she would call the legal department and his sergeant. PO Teco replied, "You can call whoever you want, because you're still going to jail." PO Teco followed § 87(2)(b) down the hall and into her office, even though she had told him to wait outside.

A nurse came over to § 87(2)(b) to tell her that § 87(2)(b) could not get PO Teco out of her office. § 87(2)(b) walked to § 87(2)(b)'s office where she found the security officer, § 87(2)(b), standing in between PO Teco and § 87(2)(b). § 87(2)(b) heard § 87(2)(b) tell PO Teco to get out of her office at least three times. PO Teco said, "You're going to jail." § 87(2)(b) said, "Go ahead." § 87(2)(b) reasoned with PO Teco to leave the office, but it took several minutes. § 87(2)(b) was agitated and nervous in her office. She was speaking in a raised voice and her hands were shaking.

§ 87(2)(b) pulled up the policy regarding consent and asked § 87(2)(b) to leave her office. § 87(2)(b) gave the policy to § 87(2)(b) who explained the policy to PO Teco. When PO Teco walked out, § 87(2)(b) asked him if he had everything he needed. PO Teco then said it was § 87(2)(b)'s fault that the patient was not going to jail and left the hospital.

### Attempts to Contact Civilians

- On January 21, 2014, § 87(2)(b) provided a telephone statement to the undersigned investigator (encl. C-1). § 87(2)(b) observed an officer, identified by the investigation as PO Teco, following § 87(2)(b) down the hallway, while speaking in a loud tone of voice. § 87(2)(b)'s demeanor was calm, while PO Teco was agitated. PO Teco followed § 87(2)(b) behind the nurses' station, where non-staff are not permitted. § 87(2)(b) said she had to call the legal department. PO Teco said, "You better hurry up." At some point, PO Teco said to § 87(2)(b) "You could be arrested for this," but did not explain why. PO Teco then followed § 87(2)(b) into her office.
- On January 21, 2014, § 87(2)(b) provided a telephone statement to the undersigned investigator (encl. C-2). § 87(2)(b) began to witness this incident before an officer, identified by the investigation as PO Teco, had entered § 87(2)(b)'s office. At that time, PO Teco was perturbed because of the hospital's policy. He was loud and demanding for someone from the legal department to come down right away. When PO Teco was told that the legal department was housed in another building, he was annoyed. § 87(2)(b) did not recall if PO Teco suggested that § 87(2)(b) could be in legal trouble. PO Teco would not leave § 87(2)(b)'s office. § 87(2)(b) calmed PO Teco down by asking him to step out of the office so they could come up with a reasonable solution. At that time, § 87(2)(b) identified himself as a retired police officer, and PO Teco complied. § 87(2)(b)'s demeanor was calm and professional.



## **NYPD Statements:**

### **Subject Officer: PO PEDRO TECO**

- *PO Pedro Teco is a white man who was § 87(2)(b) old at the time of the incident. He is 5'9" tall, weighs 180 pounds, and has black hair and brown eyes.*
- *On December 6, 2013, PO Teco was assigned to patrol alone as part of the Highway 5 command from 6 a.m. to 2:35 p.m. He was dressed in uniform and driving marked RMP, no. 2913.*

### **Memo Book**

On the date of the incident, PO Teco's memo book (encl. D-2-D-4) notes verbatim, "11:00 IDTU 123/Staten Island University Hospital South. 12:40- refused. § 87(2)(b) refused to take blood, wanted a warrant."

### **CCRB Testimony**

PO Teco was interviewed at the CCRB on April 2, 2014 (encl. D-1-D-6). His testimony is summarized below.

On December 6, 2013, PO Teco went to Staten Island University Hospital for a "blood job" for a civilian, identified by the investigation as § 87(2)(b), who was arrested for driving under the influence. The NYPD conducts blood jobs when an arrestee cannot go to where the breathalyzer is located because they need medical treatment. When PO Teco arrived at the hospital, the arresting officer, identified by the investigation as PO Nevarez explained the situation to him. PO Teco did not observe § 87(2)(b) to have any injuries and did not know the specific reason he was at the hospital. § 87(2)(b) seemed high, not intoxicated.

PO Teco explained to § 87(2)(b) who he was and why he was there. PO Teco asked § 87(2)(b) if he consented to a blood test, and § 87(2)(b) provided affirmative consent. No medical personnel were present at that time. PO Teco then told PO Nevarez he would go find a nurse to draw § 87(2)(b) blood. PO Teco explained that they had an arrestee who had consented to a blood test and requested assistance. The unidentified nurse said, "Okay, give us a couple minutes." After waiting ten to fifteen minutes, PO Teco told another unidentified nurse that § 87(2)(b) had consented to a blood test and requested assistance. That nurse told PO Teco she would find someone to do the test right away.

§ 87(2)(b) came to the room where PO Teco was with § 87(2)(b) and asked him to step out of the room. § 87(2)(b) asked PO Teco, "Do you want to take blood from this prisoner?" § 87(2)(b)'s demeanor was firm and "to the point." PO Teco's demeanor was similar, calm and collected. PO Teco only raised his voice slightly once. PO Teco said both that § 87(2)(b)'s demeanor remained the same throughout the incident, and also that she began yelling later. PO Teco confirmed that he wanted § 87(2)(b) blood to be drawn. § 87(2)(b) said, "Officer, you need a warrant for that." PO Teco said he did not need a warrant, and § 87(2)(b) repeated that he did need one. § 87(2)(b) never mentioned requiring written consent at any point, and § 87(2)(b) had not provided written consent because it had not gotten to that point yet. § 87(2)(b) then said she was going to call an administrator to find the paperwork that explained PO Teco needed a warrant. As § 87(2)(b) turned to walk away, PO Teco said, "I just want you to know, if you don't take blood, I can actually arrest you." § 87(2)(b) said, "Are you threatening me?" PO Teco said, "I'm not threatening you. I'm just telling you what could be done." PO Teco had no intention of arresting § 87(2)(b). PO Teco never told § 87(2)(b) that he was going to arrest her. PO Teco told § 87(2)(b) he could arrest her once. PO Teco never specified to § 87(2)(b) what she could be arrested for, but he could

have arrested her for obstruction of governmental administration (OGA). § 87(2)(b) could be arrested for OGA because she was preventing officers from finding out if § 87(2)(b) was under the influence and what he was under the influence of.

§ 87(2)(b) said, "You're threatening me," and walked away. PO Teco followed her down the hallway. Instead of calling an administrator to move the process along, § 87(2)(b) stopped at the nurses' station to tell other staff, "He threatened to arrest me." PO Teco slightly raised the volume of his voice and said, "What are you doing? Aren't you going to call an administrator?"

PO Teco followed § 87(2)(b) into her office so he could hear what the administrator said. She told him to leave three times. PO Teco does not think he told § 87(2)(b) she could be arrested while in her office. Then a security officer came and told him to leave. At that point, PO Teco realized that he had "gone overboard." PO Teco called his command and spoke to PO Moane. He told PO Moane, "The nurse won't draw blood. What should I do?" PO Moane replied, "Didn't you get the memo?" PO Teco asked which memo, because he had just returned to work two days prior after his wife had a baby. PO Moane replied, "Whatever you do, don't threaten anybody with arrest." PO Teco replied, "I didn't know. I just did that ten minutes ago."

PO Teco then spoke with the administrator who read the hospital policy to him. The administrator told PO Teco that the policy stated that if NYPD personnel request blood be drawn, medical personnel is supposed to draw blood. The administrator looked surprised and then read from another page that said the same thing. The administrator then told PO Teco, "If you want her to take blood, she'll take the blood." At that point, however, it did not make a difference because PO Nevarez told PO Teco that § 87(2)(b) had rescinded his consent. PO Teco walked out, and as he was leaving § 87(2)(b) was yelling, "I was right! I was right!"

PO Teco did not have a specific recollection of requesting blood be drawn from an arrestee at Staten Island University Hospital in the past. In general terms, the protocol is for an officer to tell the arrestee why they are there and then ask the arrestee if they will consent to having their blood drawn. If the patient provides consent, officers find a medical professional who will confirm consent with the patient. If the patient confirms consent, the medical personnel draws the blood and fills out the paperwork. If an arrestee provides consent, the police do not need a warrant to obtain a blood sample from him or her.

#### **Witness Officer: PO SAMANTHA SURAT**

- *PO Samantha Surat is a white woman who was § 87(2)(b) old at the time of the incident. She is 5'7" tall, weighs 190 pounds, and has brown hair and eyes.*
- *On December 6, 2013, PO Surat was assigned to Sector Patro in the 123<sup>rd</sup> Precinct and RMP no. 384 from 7:05 a.m. to 3:40 p.m. with PO Nevarez. She was dressed in uniform*

#### **Memo Book**

On the date of the incident, PO Surat's memo book (encl. D-8-D-10) states verbatim, "11:20 - 84 SIUHS. 12:00 -Sgt. Cornejo visited. 14:10 - Sector A pick up at SIUHS to 120 pct."

#### **CCRB Testimony**

PO Samantha Surat was interviewed at the CCRB on April 7, 2014 (encl. D-7-D-11). Her testimony is summarized below.

At 11:20 a.m. on December 6, 2013, PO Surat was at Staten Island University Hospital watching an arrestee, identified by the investigation as § 87(2)(b), who had been transported to the hospital following his arrest for driving while intoxicated. PO Surat was focused on the arrestee as he was very intoxicated. PO Surat did not know the reason the arrestee was taken to the hospital rather than the precinct stationhouse. A member of the hospital's personnel came into the room to

take the arrestee's vitals, but PO Surat did not interact with any hospital staff. PO Surat did not leave the room where the arrestee was located for the entire time she was at the hospital.

A highway patrol officer, identified by the investigation as PO Teco, came with a blood kit that he was preparing. PO Surat did not recall if anyone asked the arrestee whether or not he provided consent for his blood to be drawn. PO Surat did not recall if the arrestee provided consent for his blood to be drawn, but blood was not drawn from the arrestee while PO Surat was in the room. PO Surat did not recall if the arrestee ever withdrew consent for his blood to be drawn.

PO Teco interacted with a member of hospital personnel outside the door. The door was closed, and PO Surat could not hear any of the statements that were made. PO Surat never heard PO Teco tell any hospital staff that he would arrest them. PO Teco came back later and said, "We're not doing blood. Refused." PO Surat could not remember how the incident ended or whether or not there was discussion of a warrant being needed to draw the arrestee's blood.

PO Nevarez was in the room with PO Surat for about ten minutes, processing arrest paperwork. Sgt. Kema Cornejo came to check on PO Surat.

**Witness Officer: PO GENDYLISS NEVAREZ**

- *PO Nevarez is a Hispanic female who was § 87(2)(b) old at the time of the incident. She is 5' tall, weighs 117 pounds, and has black hair and brown eyes.*
- *On December 6, 2013, PO Nevarez was assigned to patrol in the 123<sup>rd</sup> Precinct, from 7:05 a.m. to 3:35 a.m. She was partnered with PO Surat, dressed in uniform, and assigned to RMP no. 3884.*

**Memo Book**

On the date and time of occurrence, PO Nevarez's memo book (encl. D-13-D-15) states verbatim, "10:30 - 54 at Arthur Kill and Lee Avenue. 10:40 a.m.- 84. 10:55 a.m. - 1 under. § 87(2)(b).  
DOB § 87(2)(b) At the time and place of occurrence, EMS personnel § 87(2)(b) (shield # § 87(2)(b) and § 87(2)(b) (shield # § 87(2)(b) did observe the defendant behind the wheel of a blue § 87(2)(b). While speaking with the defendant, the arresting officer could smell the odor of alcohol on his breath and speech was slurred, eyes blood shot. IDTU officer attempted to conduct test. § 87(2)(b) refused. No blood test taken on arrival to hospital. 4:26 p.m. - 61 to 130 Stuyvesant Avenue to draw up case."

**Arrest Report**

PO Nevarez was the arresting officer for arrest no. § 87(2)(b). In the arrest report (encl. E-1-E-3), she wrote, "At time, place [sic] occurrence, EMS Personnel § 87(2)(b) Shield # § 87(2)(b) and § 87(2)(b) Shield # § 87(2)(b) did observe defendant behind the wheel of a blue § 87(2)(b), while speaking with defendant, arresting officer could smell the odor of alcohol on his breath and speech slurred. Defendant eyes blood shot. IDTU Officer attempted to conduct test. § 87(2)(b) [sic]"

**CCRB Testimony**

PO Nevarez was interviewed at the CCRB on April 23, 2014 (encl. D-12-D-16). Her testimony is summarized below.

After being placed under arrest, § 87(2)(b) was transported to the hospital because EMS was on the scene, and they were concerned that § 87(2)(b) was suffering from alcohol poisoning. § 87(2)(b) was incapable of walking. PO Nevarez recognized § 87(2)(b) from the



hospital. PO Nevarez observed § 87(2)(b) in an office. She did not interact with her and did not observe the highway patrol officer, identified by the investigation as PO Teco, interact with her.

At Staten Island University Hospital, PO Nevarez could not leave the room where § 87(2)(b) was situated. PO Surat was also in the room with her for some time, but also went back to the stationhouse to prepare arrest paperwork. PO Teco arrived in order to have § 87(2)(b) blood drawn and processed. The highway patrol officer asked § 87(2)(b) if he was willing to provide a blood sample. § 87(2)(b) verbally stated his consent. PO Nevarez was present at this time, but did not remember who else was present.

PO Nevarez did not interact with any hospital personnel, and she did not observe PO Teco interact with any hospital personnel. The highway patrol officer was periodically in and out of § 87(2)(b) room. PO Nevarez did not observe any hospital personnel ask to speak to PO Teco in the hallway. PO Nevarez never heard any hospital personnel refuse to draw § 87(2)(b) blood. PO Nevarez did not remember hearing § 87(2)(b) withdraw his consent to have his blood drawn. PO Nevarez never heard PO Teco threaten to arrest any hospital personnel. In her observation of PO Teco, his demeanor was professional.

PO Teco was out of § 87(2)(b) room for about forty-five minutes. When he came back, he told PO Nevarez they would not be drawing § 87(2)(b) blood because the nurse had refused. He did not elaborate on the reasoning and then left the hospital. No officer informed PO Nevarez of a dispute regarding drawing § 87(2)(b) blood.

PO Nevarez has never gone to Staten Island University Hospital with a civilian arrested for DUI before. To her knowledge, written consent is not required as part of police department protocol for having an arrestee's blood drawn. The protocol for a DUI arrest when the arrestee needs medical attention is for the civilian to be brought to the hospital, where a highway patrol officer will come and order a blood sample.

## **NYPD Documents**

### **Highway District 5 Roll Call**

The Highway District 5 Roll Call for Tour 2 (encl. E-4-E-8) from December 6, 2013 indicates that PO Teco worked by himself from 6 a.m. to 2:35 p.m.

### **123<sup>rd</sup> Precinct Roll Call**

The 123<sup>rd</sup> Precinct Roll Call for Tour 2 (encl. E-9-E-15) from December 6, 2013 indicates that PO Nevarez and PO Surat worked together from 7:05 a.m. to 3:28 p.m.

## **Other Evidence**

On January 22, 2014, the undersigned investigator subpoenaed all official documentation pertaining to the incident from Staten Island University Hospital. The investigator received a Confidential Incident Report (encl. C-6-C-7) and statements from hospital staff (encl. C-8-C-11) that were collected by the security team.

### ***Confidential Incident Report***

§ 87(2)(b) at Staten Island University Hospital prepared the Confidential Incident Report. In it, he stated that an officer from Highway 5 wanted medical staff to draw blood from a patient, but maintained that the patient did not need to sign a medical release form. When § 87(2)(b) informed him that the hospital could not draw blood without a signed release, the officer told § 87(2)(b) that he would, "lock her up for refusing to get him the patient's blood."

The documentation from Staten Island University Hospital also included the written statements from hospital staff, including § 87(2)(b) (encl. C-10), § 87(2)(b) (encl. C-11), and § 87(2)(b) (encl. C-9) § 87(2)(g)

### **Status of Civil Proceedings**

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of June 6, 2014, which is three months past the filing deadline (encl. H-8). An updated inquiry for a Notice of Claim was submitted to the New York City Comptroller's Office on July 29, 2014. There has been no response to this request as of the date of this report.

### **Civilian Criminal History**

- As of August 6, 2014, Office of Court Administration records reveal no criminal convictions for § 87(2)(b) (encl. F-1-F-5)

### **Civilian CCRB History**

- § 87(2)(b) has filed the following CCRB complaints (encl. A-15):

- § 87(2)(b)

### **Subject Officer CCRB History**

- PO Teco has been a member of the service for nine years, and this is the first CCRB complaint against him (encl. A-14).

## **Conclusion**

### **Identification of Subject Officer**

§ 87(2)(b) learned PO Teco's name from § 87(2)(b) who read it from his nameplate during the incident. The pedigree description she provided also closely matched PO Teco's physical appearance. PO Teco acknowledged interacting with § 87(2)(b) at the hospital and telling her that she could be arrested. As a result, **Allegations A and B** are being pled against him.

### **Investigative Findings and Recommendations**

#### **Allegation A – Abuse of Authority: PO Pedro Teco threatened to arrest § 87(2)(b)**

It is undisputed that § 87(2)(b) never signed a release form authorizing the hospital to draw blood for an NYPD investigation. It is undisputed that § 87(2)(b) blood was never drawn at Staten Island University Hospital and that § 87(2)(b) in her capacity as § 87(2)(b) in the Emergency Department, did not allow hospital personnel to draw § 87(2)(b) blood. It is disputed whether or not § 87(2)(b) provided verbal consent to have his blood drawn. While § 87(2)(b) testified that PO Teco claimed not to need consent for the hospital to draw § 87(2)(b) blood, PO Teco maintained that § 87(2)(b) was demanding a warrant in order to draw § 87(2)(b) blood. According to § 87(2)(b)'s testimony, § 87(2)(b) told PO Teco that the hospital required written consent and that PO Teco stated that verbal consent was sufficient for the hospital to draw blood. It is disputed whether or not PO Teco told § 87(2)(b) that he "was going to" or "could" arrest her for obstruction of governmental administration, but it is undisputed that PO Teco made statements to § 87(2)(b) about arresting her for not authorizing § 87(2)(b) blood test.

An individual is guilty of obstructing governmental administration when they intentionally obstruct or impair the administration of law by preventing a police officer from performing an official function, whether it is by force, other means of interference, or intimidation. Criminal Procedure Law, §195.05 (encl. A-1)

§ 87(2)(g)

**Allegation B- Other Misconduct: PO Pedro Teco intentionally provided a false official statement to the CCRB.**

During his CCRB interview PO Teco stated that when he spoke with the hospital administrator, he was read the hospital's policy regarding blood work and patient consent. PO Teco stated:

"The [hospital] administrator comes down, calls me in the room. He has two papers in his hand. He starts reading from the paper, he says 'If there is an NYPD officer there, and they ask you to take blood, you are to take the blood' PO Teco stated that he was not providing exact wording of the policy, and was just providing the substance of the policy. PO Teco then continued, "then he reads again... 'If they [NYPD] has a prisoner, and the prisoner consents to giving blood, the nurse is supposed to take the blood.' And he [the hospital administrator] looks at me, like speechless, and he goes, 'If you want her to take the blood, she'll take the blood.'" PO Teco then claimed that he was subsequently informed by PO Nevarez that the patient rescinded his consent to the test, rendering him unable to draw the patient's blood.

The Staten Island University Hospital's policy in regards to Persons in Law Enforcement Officer Custody states:

"Any operator of a motor vehicle in NY State is deemed by law to give consent to a testing for blood alcohol or drug levels. The test must be administered at the discretion of a police officer. The patient/operator must be under arrest or the police officer must have probable cause that the patient was driving under the influence of alcohol or drugs. It is the responsibility of the arresting officer to determine probable cause. Conscious patients must sign a consent form. If the patient refuses to sign the consent form for alcohol or drug screening, the police must obtain a court order to proceed with the testing. Unconscious operators of a motor vehicle brought to the hospital by the police department are deemed to give implied consent to chemical testing. Therefore testing can be done without the patient's direct consent. Police do not have the authority to order that passengers be tested." (encl. A-2 – A-12)

Patrol Guide Procedure 203-08 prohibits officers from intentionally making false official statements to the CCRB (encl. A-13)

§ 87(2)(g)



§ 87(2)(g)

[REDACTED]

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date